

1 **4.14 ENVIRONMENTAL JUSTICE**

2 On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions
3 to Address Environmental Justice in Minority Populations and Low-Income Populations"
4 designed to focus attention on environmental and human health conditions in areas of
5 high minority populations and low-income communities, and promote non-discrimination
6 in programs and projects substantially affecting human health and the environment
7 (White House 1994). The order requires the U.S. Environmental Protection Agency
8 (EPA) and all other Federal agencies (as well as state agencies receiving Federal
9 funds) to develop strategies to address this issue. The agencies are required to identify
10 and address any disproportionately high and adverse human health or environmental
11 effects of their programs, policies, and activities on minority and/or low-income
12 populations.

13 In 1997, the U.S. EPA Office of Environmental Justice released the Environmental
14 Justice Implementation Plan, supplementing the EPA environmental justice strategy and
15 providing a framework for developing specific plans and guidance for implementing
16 Executive Order 12898. Federal agencies received a framework for the assessment of
17 environmental justice in the EPA Guidance for Incorporating Environmental Justice
18 Concerns in the National Environmental Policy Act (NEPA) Compliance Analysis in
19 1998. This approach emphasizes the importance of selecting an analytical process
20 appropriate to the unique circumstances of the potentially affected community.

21 While many state agencies have utilized the EPA Environmental Justice Implementation
22 Plan as a basis for the development of their own environmental justice strategies and
23 policies, the majority of California State agencies do not yet have guidance for
24 incorporation of environmental justice impact assessment into the California
25 Environmental Quality Act (CEQA) analysis. The State Air Resources Board has, for
26 example, examined this issue and has received advice from legal counsel, by a
27 memorandum entitled "*CEQA and Environmental Justice*." This memorandum states, in
28 part, "For the reasons set forth below, we will conclude that CEQA can readily be
29 adapted to the task of analyzing cumulative impacts/environmental justice whenever a
30 public agency (including the Air Resources Board (ARB), the air pollution control
31 districts, and general purpose land use agencies) undertakes or permits a project or
32 activity that may have a significant adverse impact on the physical environment. All
33 public agencies in California are currently obliged to comply with the CEQA, and no
34 further legislation would be needed to include an environmental justice analysis in the
35 CEQA documents prepared for the discretionary actions public agencies undertake."

1 Under Assembly Bill (AB) 1553, signed into law in October 2001, the Governor's Office
2 of Planning and Research (OPR) is required to adopt guidelines for addressing
3 environmental justice issues in local agencies' general plans.

4 **4.14.1 Environmental Setting**

5 **Project Study Area and Communities of Comparison**

6 The Ellwood Onshore Facility (EOF) is located in the Coastal Zone of Santa Barbara
7 county, in the western part of the city of Goleta. The zoning for the land, per the city's
8 General Plan, is "Open Space/Active Recreation".

9 The Ellwood Marine Terminal (EMT) is located in Santa Barbara county on land leased
10 from the University of California, Santa Barbara (UCSB) and is immediately adjacent to
11 the city of Goleta.

12 The Project study area for environmental justice is bounded on the east by Fairview
13 Avenue, on the north by U.S. Highway 101, and on the west by Winchester Canyon
14 Creek. This area includes Census Tracts 29.02, 29.03, 29.04, 29.09, 29.11, and 29.12;
15 and Block Group 1 of Census Tract 29.10. The census tracts are further broken down
16 into block groups (see Figure 4.14-1). U.S. Census data from 2000 for these census
17 tracts and block groups were used to characterize the Project study area for this
18 analysis.

19 According to EPA guidance, a minority or low-income community is disproportionately affected
20 when the community will bear a disproportionate level of health and environmental
21 effects compared to the general population. Further, the guidelines recommend that the
22 Communities of Comparison that are selected be the smallest governmental unit that
23 encompasses the impact footprint for each resource. The EOF is located in Santa
24 Barbara county, in the western part of the city of Goleta. Therefore, the Communities of
25 Comparison for this analysis were defined as Santa Barbara county, the city of Goleta
26 and area immediately to the west of the city of Goleta.

27 **Study Area Demographics**

28 In 2000, the population of the study area was 28,950 (U.S. Census Bureau 2005a). In
29 2000, the population of Goleta was 55,204 and of Santa Barbara county was
30 399,347 (U.S. Census Bureau 2005a). Of the study area, 28 percent of the population

1 was considered to be of a minority race, compared to 21 percent for Goleta and
 2 27 percent for Santa Barbara county (see Table 4.14-1).

3 The largest percentage minority group within the study area was Asian, which included
 4 approximately 10 percent of the total population. In Goleta and Santa Barbara county,
 5 the “some other race” category was the largest minority group, making up nine percent
 6 and 15 percent of the total population, respectively.

7 The “some other race” category includes all other census responses not included in the
 8 “White,” “Black or African American,” “American Indian and Alaska Native,” “Asian,” and
 9 “Native Hawaiian and Other Pacific Islander” race categories (U.S. Census Bureau
 10 2005a). Census respondent write-in entries, such as Hispanic/Latino, were included in
 11 this category and are believed to constitute the majority of the “some other race”
 12 category within the Project study area and Communities of Comparison.

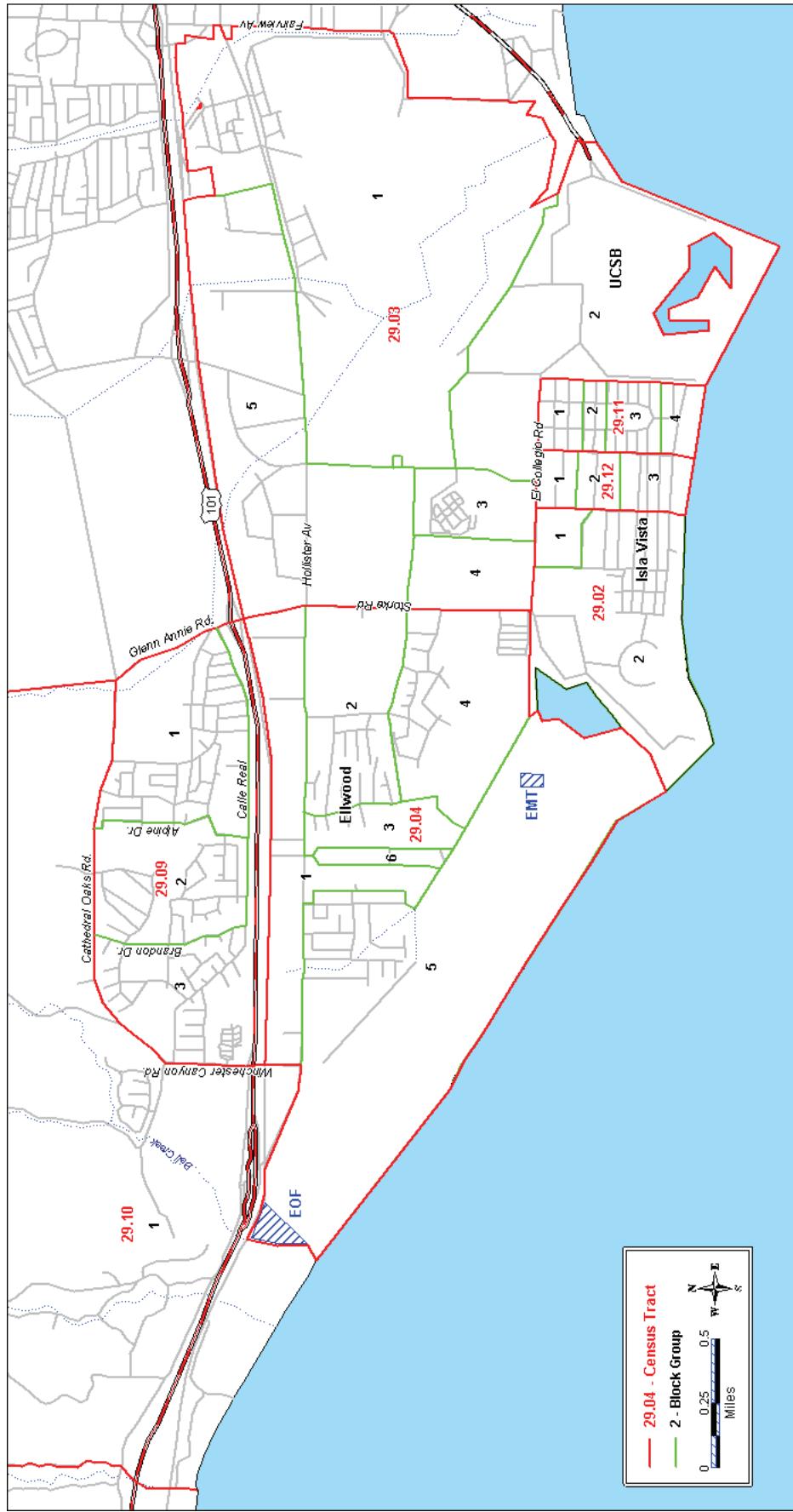
Table 4.14-1
Study Area Race Characteristics

Race	Project Study Area	Goleta	Santa Barbara County
White	26,241	43,397	290,418
Minority			
Black or African American	732	703	9,195
American Indian and Alaska Native	255	451	4,784
Asian	3,685	3,548	16,344
Native Hawaiian, Other Pacific Islander	64	60	700
Some other race	3,628	5,098	60,683
Two or more races	1,850	1,947	17,223
Minority Subtotal	10,214	11,807	108,929
Total Population	36,455	55,204	399,347
Percent Minority	28	21	27

13 Source: U.S. Census Bureau 2005a

14 As an added measure to ensure that study area minority populations are adequately
 15 identified, census data were gathered for Hispanic origin. Hispanic is considered an
 16 origin, not a race, by the U.S. Census Bureau. An origin can be viewed as the heritage,
 17 nationality group, lineage, or country of birth of the person or the person’s parents or
 18 ancestors before their arrival in the United States (U.S. Census Bureau 2005a). People
 19 who identify their origin as Spanish, Hispanic, or Latino may be of any race. Therefore,
 20

Figure 4.14-1
Project Area Census Tracts and Block Groups



1 those who are counted as Hispanic are also counted under one or more race
 2 categories, as described above. Approximately 22 percent of the study area population
 3 was Hispanic or Latino in origin, compared with 22 percent for Goleta and 34 percent for
 4 Santa Barbara county (Table 4.14-2).

5 Census data were also analyzed to determine poverty status in the Project area. As
 6 shown in Table 4.14-3, approximately 35 percent of Project study area individuals had
 7 income in 1999, below the poverty level, compared to seven percent and 14 percent for
 8 Goleta and Santa Barbara county, respectively.

Table 4.14-2
Population of Hispanic or Latino Origin

	Project Study Area	Goleta	Santa Barbara County
Hispanic or Latino	7,902	12,326	136,668
Total Population	36,455	55,204	399,347
Percent Hispanic or Latino	22	22	34

9 Source: U.S. Census Bureau 2005a.

Table 4.14-3
Poverty Status in 1999

	Project Study Area	Goleta	Santa Barbara County
Income in 1999 Below Poverty Level	10,779	3,672	55,086
Population for Whom Poverty Status was Determined	30,571	54,786	384,512
Percent with Income in 1999 Below Poverty Level	35	7	14

10 Source: U.S. Census Bureau 2005b.

11 Since the percentage of study area population with income in 1999 below the poverty
 12 level is much greater than for that of the Communities of Comparison, the analysis
 13 included a closer look at the data for the census tracts.

14 The presence of UCSB affects the demographics of the study area. UCSB has an
 15 average enrollment of 19,600 students, including approximately 2,600 graduate
 16 students. The vast majority of students live within walking distance of campus, within
 17 the Project study area. The university estimates that approximately 75 percent of
 18 students live in privately owned rental accommodations off campus (UCSB 2005).

- 1 University students are also a transient population, typically only remaining in an area
 2 while completing their studies.
- 3 University students tend to be younger than the general population. As shown below in
 4 Table 4.14-4, approximately 90 percent of the population in Census Tract 29.11 is
 5 between the ages of 18 and 24 and the median age is 20.9 years. Census Tracts
 6 29.02, 29.03, and 29.12 have approximately 71 percent, 76 percent, and 72 percent of
 7 their respective population between the ages of 18 and 24. The median age in these
 8 census tracts is 21.4, 19.9, and 21.2 years, respectively. Approximately 17 percent of
 9 Census Tract 29.04, in which the EOF is located, is between the ages of 18 and 24, and
 10 the median age is 29.4 years. The percentage of Santa Barbara county between the
 11 ages of 18 and 24 is 13 percent, and the median age is 33.4 years. In Goleta,
 12 approximately nine percent of the population is between the ages of 18 and 24, and the
 13 median age is 38.2 years (U.S. Census Bureau 2005a).

Table 4.14-4
Percent Between the Ages of 18 Years and 24 Years, and Poverty Status, in 1999

	Census Tract or Area								
	29.02	29.03	29.04	29.09	BG1 of 29.10	29.11	29.12	Goleta	SB County
Percent ages 18 to 24	71	76	17	10	10	90	72	9	13
Median Age	21.4	19.9	29.4	34.9	36	20.9	21.2	38.2	33.4
Percent w/ 1999 Income Below Poverty Level	62	41	11	5	4	77	64	7	14

- 14 Sources: U.S. Census Bureau 2005a and 2005b.

- 15 In addition to being younger than the general population, university students have less
 16 income than the general population because typically the students are not employed or
 17 only partially employed during their studies. In the census tracts with the highest
 18 percentage of population between the ages of 18 and 24, the percentage of those who
 19 had income in 1999 below the poverty level was also high.

20 **4.14.2 Regulatory Setting**

- 21 The California State Lands Commission (CSLC) has developed and adopted an
 22 Environmental Justice Policy to ensure equity and fairness in its own processes and
 23 procedures. The CSLC adopted an amended Environmental Justice Policy on October

1 1, 2002, to ensure that “Environmental Justice is an essential consideration in the
2 Commission’s processes, decisions and programs and that all people who live in
3 California have a meaningful way to participate in these activities.” The policy stresses
4 equitable treatment of all members of the public and commits to consider environmental
5 justice in its processes, decision making, and regulatory affairs. The policy is
6 implemented, in part, through identification of, and communication with, relevant
7 populations that could be adversely and disproportionately impacted by CSLC projects
8 or programs, and by ensuring that a range of reasonable alternatives is identified that
9 would minimize or eliminate environmental impacts affecting such populations. This
10 discussion is provided in this document consistent with and in furtherance of the
11 Commission’s Environmental Justice Policy. The staff of the CSLC is required to report
12 back to the Commission on how environmental justice is integrated into its programs,
13 processes, and activities (CSLC 2002).

14 This section analyzes the distributional patterns of high-minority and low-income
15 populations on a regional basis and characterizes the distribution of such populations
16 adjacent to the proposed Project and the alternative pipeline corridor under the No
17 Project Alternative. This analysis primarily focuses on whether the proposed Project’s
18 impacts have the potential to affect area(s) of high-minority population(s) and low-
19 income communities disproportionately and thus create an adverse environmental
20 justice impact.

21 **4.14.3 Significance Criteria**

22 An environmental justice impact would be considered significant if the proposed Project
23 would:

- 24 • Have the potential to disproportionately impact minority and/or low-income
25 populations at levels exceeding the corresponding medians for the county in
26 which the Project is located; or
- 27 • Result in a substantial disproportionate decrease in the employment and
28 economic base of minority and/or low-income populations residing in the county
29 and/or immediately surrounding cities.

1 **4.14.4 Impact Analysis and Mitigation**

2 **Impact EJ-1: Environmental Justice Effects from Hazards and Odors**

3 **The proposed Project could disproportionately impact minority and/or low-
4 income populations (Less Than Significant, Class III).**

5 *Impact Discussion*

6 Section 4.2, Hazards and Hazardous Materials, and Section 4.3, Air Quality, analyzed
7 the short- and long-term risks to surrounding populations from accidental releases, fires,
8 and explosions, as well as from long-term exposure to toxic emissions generated by the
9 EOF.

10 Section 4.2, Hazards and Hazardous Materials, states that risks to the populations from
11 the Project facilities would be reduced as a result of the Project. The reduced gas
12 liquids storage at the EOF due to the pipeline transportation of these liquids, and
13 elimination of storage at the EMT and transportation of oil by barge would reduce risks
14 to public health. Transportation risks would be increased due to increased
15 transportation of liquid petroleum gases (LPG) by truck.

16 Section 4.3, Air Quality, assessed risks to human health from the proposed Project and
17 odors that would negatively affect adjacent land uses. The exposure risks to the
18 surrounding populations are considered to be potentially significant (Class II). Odors
19 from the proposed Project would be considered potentially significant but able to be
20 mitigated to below the significance criteria (Class II).

21 Section 4.4, Hydrology, Water Resources, and Water Quality, and Section 4.5,
22 Biological Resources, assessed the impacts of spills. Significant Project impacts
23 associated with crude oil spills would affect resources used by many different people,
24 regardless of ethnicity or income, and would, therefore, not have a disproportionate
25 impact on a minority or low-income population.

26 The proposed Project could disproportionately impact minority and/or low-income
27 populations; it would not, however, result in a substantial disproportionate decrease in
28 the employment and economic base of minority and/or low-income populations in the
29 area. With implementation of the mitigation in other sections, the proposed Project
30 could have an adverse but less than significant environmental justice impact (Class III).

Table 4.14-5
Summary of Environmental Justice Impacts and Mitigation Measures

Impact	Impact Class	Mitigation Measures
EJ-1: Environmental Justice Effects from Hazards and Odors	Class III	No mitigation is required, less than significant impact.

1

2 Extension of Life Impact

- 3 The Applicant has stated that the proposed Project would not increase the life of the
 4 existing South Ellwood Field Facilities, which is currently defined by the operational life
 5 of Platform Holly until 2040, and would likely reduce the overall duration of oil and gas
 6 production from existing facilities due to more efficient extraction of the resource.
 7 However, it is possible that increased oil and gas production from new wells drilled into
 8 the existing and proposed leases, formations (Lower Sespe) and fault blocks (North
 9 Flank and Eagle Canyon) could produce economically viable resources for a longer-
 10 than-expected period and increase the life of the existing facilities. Therefore, the
 11 impacts identified in Table 4.14-5 have the potential to occur over a longer period than
 12 assumed for the proposed project, exacerbating potentially adverse impacts.
- 13 Increasing the duration of potential hazards and odor impacts on disadvantaged
 14 populations would be considered adverse but less than significant (Class III).

15 4.14.5 Impacts of Alternatives

16 No Project Alternative

- 17 Under the No Project Alternative, the Applicant's lease extension would not be
 18 approved, no modifications would be made to the EOF and the pipeline would not be
 19 installed. The EMT would continue operations. Environmental justice impacts would be
 20 the same as for the existing operations.
- 21 Currently, lease agreements for the operations of the EMT will expire in 2013 and/or
 22 2016 (see Section 2.0, Project Description). It is assumed that, under the No Project
 23 Alternative, after the lease expirations, the Applicant would pursue alternative means of
 24 crude oil transport such as pipeline or truck transportation. The impacts of these
 25 transportation modes are described in the Venoco Ellwood EMT Lease Renewal Project

1 Draft EIR (CSLC 2007). Any future crude oil transportation options would be subject to
2 appropriate agency review and approval.

3 No EOF Modifications

4 This Alternative would not disproportionately impact minority and/or low-income
5 populations or result in a substantial disproportionate decrease in the employment and
6 economic base of minority and/or low-income populations in the area. Therefore, this
7 Alternative would not have an environmental justice impact.

8 Processing on Platform Holly

9 Moving oil and gas processing to Platform Holly would serve to separate potential public
10 hazards from the general population. The increased distance between this processing
11 equipment and Platform Holly would serve to reduce potential public exposure to
12 pollutants and hazards. Therefore, potential environmental justice impacts associated
13 with this alternative would be less than the proposed Project.

14 This alternative would not disproportionately impact minority and/or low-income
15 populations or result in a substantial disproportionate decrease in the employment and
16 economic base of minority and/or low-income populations in the area. Therefore, this
17 Alternative would not have an environmental justice impact.

18 Processing at LFC with Onshore Crude Pipeline Alternative

19 Processing at the LFC consolidated site would serve to allow for a greater buffer
20 between oil and gas processing equipment and the general public. The increased
21 distance between this processing equipment and Platform Holly would serve to reduce
22 potential public exposure to pollutants and hazards. Therefore, potential environmental
23 justice impacts associated with this alternative would be less than the proposed Project.

24 This alternative would not disproportionately impact minority and/or low-income
25 populations or result in a substantial disproportionate decrease in the employment and
26 economic base of minority and/or low-income populations in the area. Therefore, this
27 Alternative would not have an environmental justice impact.

1 **Processing at LFC with Offshore Pipeline Alternative**

2 This alternative would not disproportionately impact minority and/or low-income
3 populations or result in a substantial disproportionate decrease in the employment and
4 economic base of minority and/or low-income populations in the area. In addition, the
5 new process gas pipeline would be located offshore at a safe distance from the general
6 public. Therefore, this Alternative would not have an environmental justice impact.

7 This alternative would not disproportionately impact minority and/or low-income
8 populations or result in a substantial disproportionate decrease in the employment and
9 economic base of minority and/or low-income populations in the area. Therefore, this
10 Alternative would not have an environmental justice impact.

11 **4.14.6 Cumulative Projects Impact Analysis**

12 The cumulative projects identified in Section 4.0, Environmental Analysis, primarily
13 affect residents of south Santa Barbara county and coastal areas from the San
14 Francisco Bay Area to Los Angeles. People from every ethnicity and income level
15 would be included in the potentially affected area. Significant impacts from some of
16 these projects may be found to have a disproportionate effect on a minority or low-
17 income population.

18 Significant cumulative project impacts associated with marine spills would affect
19 resources used by many different people, regardless of ethnicity or income, and would
20 therefore not have a disproportionate impact on a minority or low-income population.

21 Since the proposed Project does not result in a significant environmental justice impact,
22 it does not contribute to a potential cumulative impact in combination with other known
23 or anticipated projects identified in Section 4.0, Environmental Analysis.

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